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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 | v.

12 DEVONTAE MOTEN, aka “Vonte,”

**Case No. 2:16-CR-0053-RFB**

13 Defendant.

**STIPULATION TO CONTINUE HEARING RE REVOCATION OF SUPERVISED RELEASE**

(First Request)

17           **IT IS HEREBY STIPULATED AND AGREED**, by and between Daniel G. Bogden,  
18           United States Attorney, and Brandon C. Jaroch, Assistant United States Attorney, counsel for the  
19           United States of America, and Gia McGillivray, Esq., counsel for Devontae Moten, that the  
20           Hearing regarding Revocation of Supervised Release currently set for Monday, September 25,  
21           2017 at 9:00 a.m., be vacated and continued to date not sooner than October 9, 2017. The  
22           request for a continuance is based upon the following:

23 1. Mr. Moten's United States Probation Officer, Branndon Phillips, is out of the jurisdiction.  
24 He is not scheduled to return until the first week of October. Mr. Moten would like for  
25 his Probation Officer to be present at the hearing. The additional time requested by this  
26 Stipulation would permit Mr. Phillips presence at the hearing and also provide Mr.

1 Phillips with time needed to investigate before the hearing any proposed placements for  
2 Mr. Moten.

- 3 2. The defendant Devontae Moten is in custody and does not oppose the continuance;  
4 3. The Government has no objection to the requested continuance;  
5 4. The additional time requested herein is not sought for the purpose of delay;  
6 5. Denial of this request for a continuance could result in a miscarriage of justice; and  
7 6. This is the first stipulation to continue this hearing.

8 DATED this 22nd day of September, 2017.  
9

10 */s/ Gia McGillivray* \_\_\_\_\_  
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9      Counsel for Devontae Moten

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

\* \* \*

9 | UNITED STATES OF AMERICA,

Case No. 2:16-CR-0053-RFB

10 Plaintiff,

11 | V.

12 | DEVONTAE MOTEN, aka “Vonte,”

13

**Defendant**

## **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

## **FINDINGS OF FACT**

16 Based on the pending Stipulation of counsel, and good cause appearing therefore, the  
17 Court finds:

- 18 1. The additional time requested pursuant to the Stipulation to continue Hearing regarding  
19 Revocation of Supervised Release is reasonable pursuant to Fed.R.Crim.P. Rule  
20 32.1(b)(2).

21 2. Mr. Moten's United States Probation Officer, Branndon Phillips, is out of the jurisdiction.  
22 He is not scheduled to return until the first week of October. Mr. Moten would like for  
23 his Probation Officer to be present at the hearing. The additional time requested would  
24 permit Mr. Phillips presence at the hearing and also provide Mr. Phillips with time  
25 needed to investigate before the hearing any proposed placements for Mr. Moten.  
26 3. The defendant Devontae Moten is in custody and does not oppose the continuance.

- 1     4. The Government has no objection to the requested continuance.
  - 2     5. The additional time requested herein is not sought for the purpose of delay.
  - 3     6. Additionally, denial of this request for a continuance could result in a miscarriage of  
4         justice.
  - 5     7. This is the first stipulation to continue the Hearing regarding Revocation of Supervised  
6         Release.

## **CONCLUSIONS OF LAW**

8        The ends of justice served by granting said continuance outweigh the best interests of the  
9        public in proceeding with the revocation hearing as scheduled, since the failure to grant said  
10      continuance would be likely to result in a miscarriage of justice, would prevent Mr. Phillips'  
11      desired presence at the hearing, and would deny the defendant sufficient time and the  
12      opportunity within which to be able to effectively and thoroughly prepare for the revocation  
13      hearing, taking into account the exercise of due diligence.

## ORDER

IT IS THEREFORE ORDERED that the Hearing regarding Revocation of Supervised Release set in this matter for September 25, 2017, be vacated and continued to October 10, 2017 at 2:30 PM.

18 || DATED this 22nd day of September , 2017.

  
RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE